



**US Army Corps
of Engineers®**
New England District

PUBLIC NOTICE

696 Virginia Road
Concord, MA 01742-2751

Date: June 26, 2007
Comment Period Ends: July 26, 2007
File Number: NAE-2006-4108
In Reply Refer To: Ted Lento
Or by e-mail: Theodore.M.Lento@usace.army.mil

The District Engineer has received a permit application from the applicant listed below to conduct work in waters of the United States as described on the attachment labeled Project Description and as depicted on the attached plans entitled "FAN PIER DEVELOPMENT PROJECT" on 18 sheets dated 4/10/07. The Corps is soliciting comments on both the project itself and the range of issues to be addressed in the environmental documentation.

APPLICANT: Fan Pier Development LLC, c/o The Fallon Company LLC, 2 Seaport Lane, Boston, Massachusetts 02210

ACTIVITY

Fan Pier Development LLC proposes to install structures and discharge fill material within waters of the United States in conjunction with the redevelopment of the Fan Pier site in Boston Inner Harbor, including re-contouring an area of Fan Pier Cove to improve navigational access. A detailed description and plans of the applicant's activity are attached.

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in Boston Inner Harbor at 28-52 Northern Avenue in South Boston, Massachusetts. The proposed location can be found on the USGS Boston South quadrangle sheet at 42° 21' 14.4" N and 71° 02' 44.4" W.

AUTHORITY

Permits are required pursuant to:

- XX Section 10 of the Rivers and Harbors Act of 1899
- XX Section 404 of the Clean Water Act
- Section 103 of the Marine Protection, Research and Sanctuaries Act).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity.

Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

ESSENTIAL FISH HABITAT

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The District Engineer has made a preliminary determination that site specific impacts may be substantial. Accordingly, the Corps of Engineers has submitted an expanded EFH assessment to National Marine Fisheries Service, who in turn will provide conservation recommendations to the Corps. The expanded EFH assessment has concluded that overall, relatively small areas of EFH are expected to be impacted, having little significance to fish populations in the area. The EFH assessment has identified potential mitigation for the impacts due to the development of Fan Pier that may include time of year restriction for construction activities. The Corps will coordinate with the applicant regarding implementation of the Marine Fisheries Service conservation recommendations. The EFH consultation will be concluded prior to the final decision.

Essential Fish Habitat (EFH) has been designated within Boston Inner Harbor for a total of 26 species of economically valuable marine fishery species. Listed species include Atlantic cod (*Gadus morhua*), winter flounder (*Psuedopleuronectes americanus*), yellowtail flounder (*Pleuronectes ferruginea*), windowpane flounder (*Scopthalmus aquosus*), American plaice (*Hippoglossoides platessoides*), Atlantic butterfish (*Peprilus triacanthus*), and Atlantic mackerel (*Scomber scombrus*). The recontouring portion of the Fan Pier Redevelopment Project project will impact approximately 124,249 SF of Essential Fish Habitat (EFH). Habitat at this site varies. The intertidal zone is composed mostly of vertical or sloped granite block seawall, with a small stretch of granite block riprap west of the existing cove. The subtidal seafloor is predominantly composed of soft sediments. The material from recontouring is proposed for an adjacent area on-site. This is an open water site, which provides Essential Fish Habitat. Habitat at this site can be described as predominantly composed of soft sediments.

Loss of this habitat may adversely affect Atlantic Butterfish (*Peprilus Triacanthus*), Atlantic Sea Scallop (*Placopecten Magellanicus*), Black Sea Bass (*Centropristus Striata*), Little Skate (*Leucoraja Erinacea*), Pollock (*Pollachius Virens*), Red Hake (*Urophycis Chuss*), Scup (*Stenotomus Chrysops*), Silver Hake (*Merluccius Bilinearis*), Summer Flounder (*Paralichthys Dentatus*), White Hake (*Urophycis Tenuis*), Windowpane Flounder (*Scopthalmus Aquosus*), Winter Flounder (*Pleuronectes Americanus*), Winter Skate (*Leucoraja Ocellata*), Yellowtail Flounder (*Pleuronectes Ferruginea*). Potential impacts due to the Fan Pier development include permanent habitat loss from new structures, habitat alteration, and temporary disturbance during construction.

Operation and regular maintenance of the marina and waterfront facilities may also affect EFH, though these impacts would generally be minor and/or transient. Overall, relatively small areas of EFH are expected to be impacted, having little significance to fish populations in the area. Potential mitigation for the potential impacts due to the development of Fan Pier would include time of year restrictions for construction activities.

SECTION 106 COORDINATION

Based on his initial review, the District Engineer has determined that the proposed work is in close proximity to properties listed in, or eligible for listing in, the National Register of Historic Places. The Massachusetts Historical Commission has determined that the project will have "no adverse effect" on these properties. Additional review and consultation to fulfil requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the permit review process.

The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved **Coastal Zone Management Programs**. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

The following authorizations have been applied for, or have been, or will be obtained:

- (XX) Permit, License or Assent from State.
- (XX) Permit from Local Wetland Agency or Conservation Commission.
- (XX) Water Quality Certification in accordance with Section 401 of the Clean Water Act

In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Ted Lento at (978) 318-8863, (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.



Karen K. Adams
Chief, Permits and Enforcement Branch
Regulatory Division

If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil. You may also check here () and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: _____

ADDRESS: _____

PROJECT PURPOSE

The project purpose is to develop Fan Pier Cove to meet a broad range of water dependent uses in conjunction with the 20-acre Fan Pier mixed-use development on the Boston Harbor waterfront along Northern Avenue adjacent to the Moakley Federal Courthouse. These water dependent uses include berthing for a range of commercial, excursion and recreational vessels within the cove as well as a public water transportation dock able to accommodate water taxis and commuter vessels.

The in-water elements that require an Army Corps permit include the Harborwalk at the perimeter of the entire Fan Pier Site, the Fan Pier Tidal Park connection to Boston Harbor, the publicly accessible floating wave attenuator at the mouth of Fan Pier Cove, a public touch-and-go dock, installation of fixed piers and floating docks, the placement of fill associated with the seawall stabilization and bottom re-contouring operation within Fan Pier Cove.

PROJECT DESCRIPTION

Re-contouring of Fan Pier Cove

The middle of the cove is too shallow to accommodate the full range of vessels that are anticipated to use the proposed facilities; therefore the proposal includes re-contouring the Fan Pier Cove sediment within an area of 68,019 sf to an elevation of -10 MLW. This involves moving approximately 9800 cy of material from the shallow portion of the cove to an adjacent deeper area where a containment dike will be constructed. This area will be raised to an elevation of -12 MLW and covers approximately 56,230 sf. The dredge material will be moved via mechanical means following the best management practices to minimize turbidity. This includes the use of an environmental clamshell and weighted turbidity barriers surrounding the dredge area. The containment berm will be placed in the deep water area between -20 and -26 feet below mean low water. The berm itself will consist of rock fill and gravel. Once the berm is completed re-contouring will commence. To complete the containment area, the material will be capped with clean sand material.

Seawall reconstruction

The existing seawall on the northwest side of the basin is to be repaired by installing a steel sheet-pile bulkhead located approximately 2 feet out-shore of the existing face of seawall and backfilling with concrete. The footprint of this filled area is 980 sf.

Tidal Park

There is a tidal park planned in the upland area north of the basin. Work in Corps jurisdiction consists of removing the stone seawall to create a connection from Boston Harbor to the tidal park. Work done in the upland area behind the stone seawall is not within Corps jurisdiction until such time as the tidal connection is established, then all future work below the newly created high tide line would be jurisdictional.

Pile supported floating docks and piers

Floating docks are proposed for a total area of 40,058 sf for both public transportation and public dock space as follows:

- (1) 20'x180' Float for visiting vessel, excursion and transient dockage
- (1) 30'x473' Float with 6 finger floats 6'x60' for visiting vessel, excursion and transient dockage and summer rental.
The above floats will also act as a wave attenuator and will have an attached wave fence as depicted on sheet 6 of 18. Large vessels will moor on the seaward side of these floating docks and may be moored parallel or perpendicular to the docks. If moored in a perpendicular position, then additional moorings may be used to stabilize the vessels.
- (1) 8'x294' Float with 8 finger floats each 4'x40' for summer rental and transient dockage
- (1) 8'x172' Float with 10 finger floats each 4'x30' for summer rental and transient dockage
- (1) 8'x138' Float with 4 finger floats each 4'x30' for summer rental and transient dockage
- (1) 30'x160' Float for inner harbor commuter/ferry boats
- (1) 8'x152' Float with 10 finger floats 4'x40' for summer rental and transient dockage
- (1) 10'x470' Float for public pedestrian access to docks

There would be 12,408 sf of wharf & pile supported piers created to allow access to the floating docks and providing a continuous public harborwalk along the waterfront edge of the site. This breaks down to:

- (1) 324'x14' Pier Structure
- (1) 182'x16' Pier Structure
- (1) 310'x16' Pier Structure

The project will be built in phases. Therefore, all of the waterfront floats and pier structures will not be completed within the first phase. All of the marine work is anticipated to be fully complete by the year 2016. Docks and piers may be rearranged as necessary within the Fan Pier Cove without further permit modifications; however the number, size and purpose of the piers and docks will remain as specified and cannot be changed unless a permit modification is obtained.

Anticipated to be completed by 2010

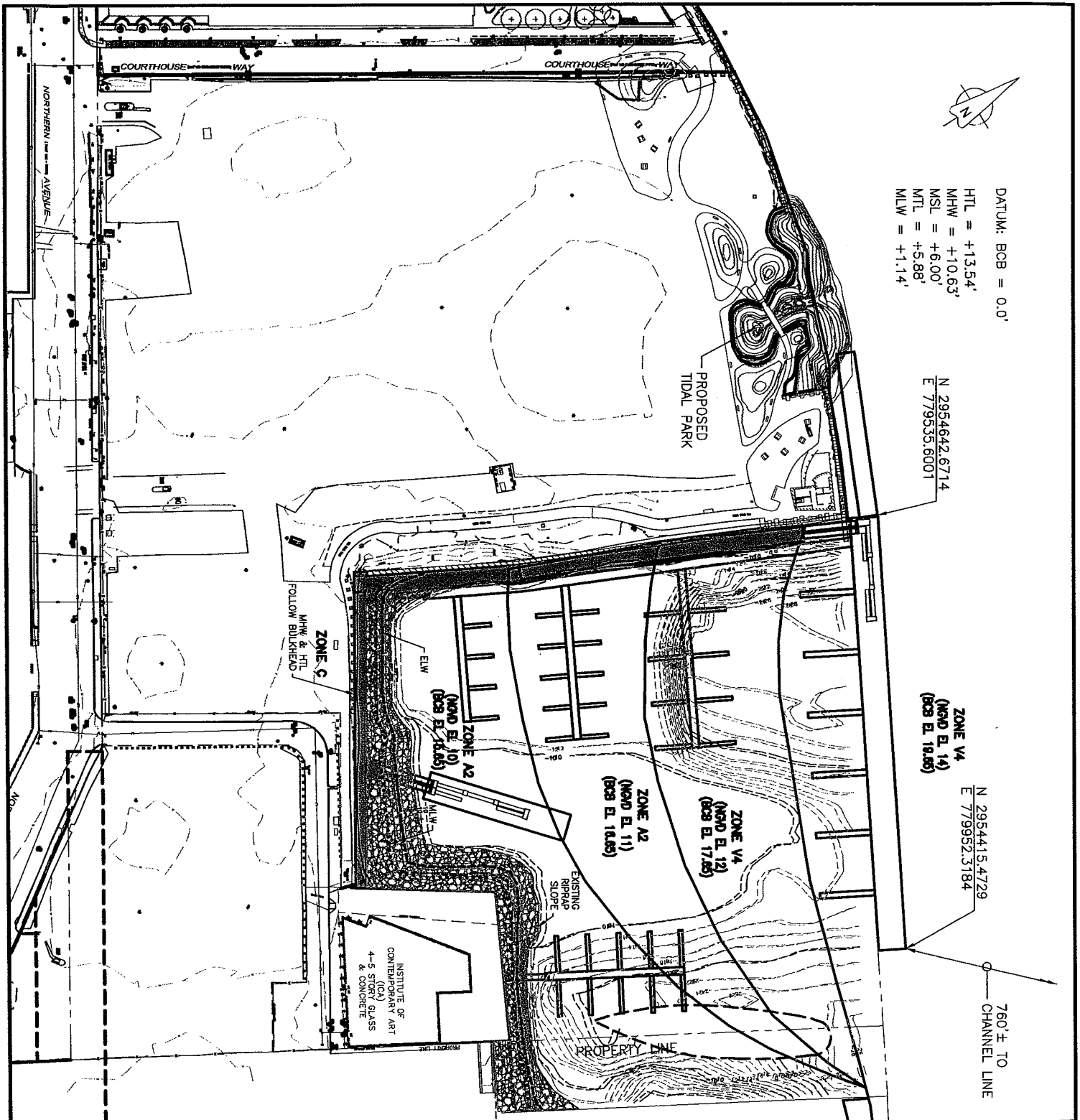
- Harborwalk on South Side of Cove
- Re-contour of Fan Pier Cove sediment
- Water Transportation Dock
- Public touch and go dock

Anticipated to be completed by 2014

- Wave attenuator
- Marina within Fan Pier Cove
- Seawall repair on Western edge of cove
- Harborwalk on western edge of cove

Anticipated to be completed by 2016

- Fan Pier Tidal Park with Harborwalk at north edge of site.



PURPOSE: CONSTRUCT NEW
HARBOR WALK, FLOATING DOCK
SYSTEM, WAVE ATTENUATOR, TIDAL
PARK, & PIER, AND REPAIR SEAWALL

DATUM: BOSTON CITY BASE = 0.0'

CHILDS ENGINEERING CORPORATION
BOX 333 MEDFIELD, MA. 02052

SITE PLAN

150 75 0 150

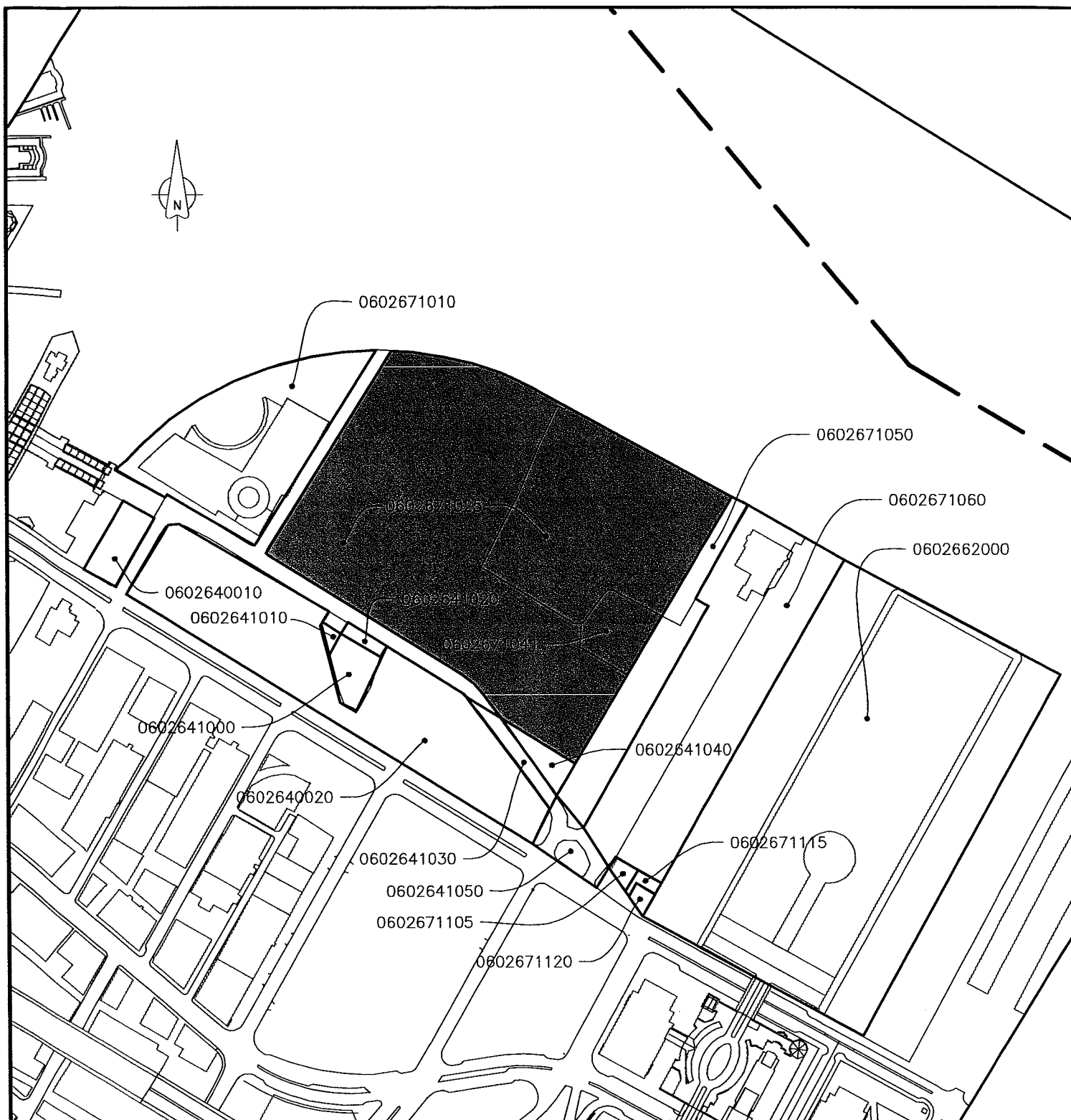
SCALE IN FEET

APPLICATION BY:
FAN PIER DEVELOPMENT, LLC
C/O THE FALLON COMPANY
TWO SEAPORT LANE
BOSTON, MA 02210

FAN PIER DEVELOPMENT PROJECT

IN: BOSTON INNER HARBOR
AT: FAN PIER
COUNTY: SUFFOLK STATE: MA

SHEET 2 OF 18 DATE: 4/10/07



PURPOSE: CONSTRUCT NEW
HARBOR WALK, FLOATING DOCK
SYSTEM, WAVE ATTENUATOR, TIDAL
PARK, & PIER, AND REPAIR SEAWALL

DATUM: BOSTON CITY BASE = 0.0'

CHILDS ENGINEERING CORPORATION
BOX 333 MEDFIELD, MA. 02052

PARCEL PLAN

400 200 0 400

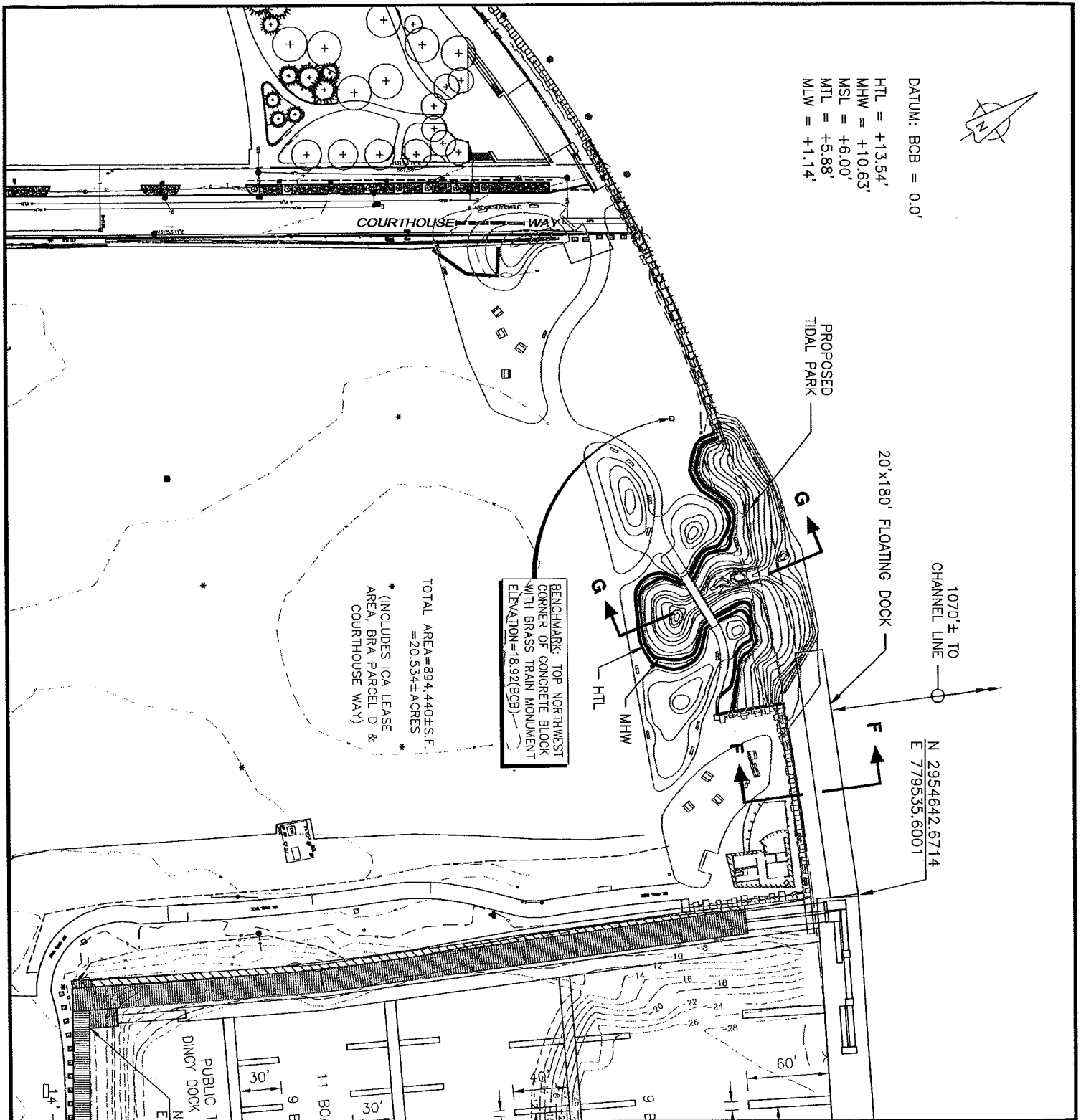
SCALE IN FEET

APPLICATION BY:
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C/O THE FALLON COMPANY
TWO SEAPORT LANE
BOSTON, MA 02210

FAN PIER DEVELOPMENT PROJECT

IN: BOSTON INNER HARBOR
AT: FAN PIER
COUNTY: SUFFOLK STATE: MA

SHEET 3 OF 18 DATE: 4/10/07



PURPOSE: CONSTRUCT NEW HARBOR WALK, FLOATING DOCK SYSTEM, WAVE ATTENUATOR, TIDAL PARK, & PIER, AND REPAIR SEAWALL

DATUM: BOSTON CITY BASE = 0.0'

CHILDS ENGINEERING CORPORATION
 BOX 333 MEDFIELD, MA. 02052

PERIMETER PLAN

100 50 0 100

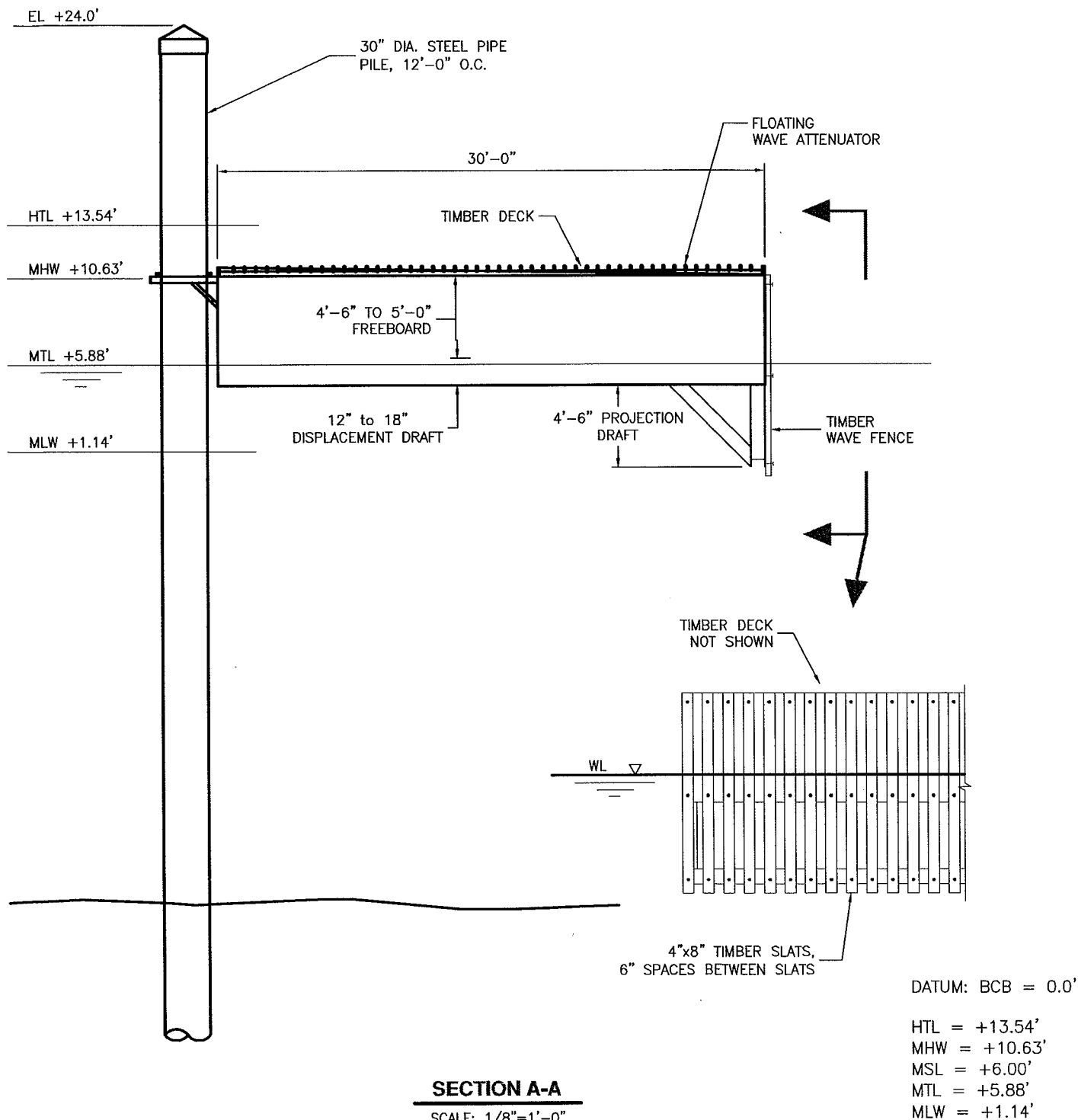
SCALE IN FEET

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 TWO SEAPORT LANE
 BOSTON, MA 02210

FAN PIER DEVELOPMENT PROJECT

IN: BOSTON INNER HARBOR
 AT: FAN PIER
 COUNTY: SUFFOLK STATE: MA

SHEET 5 OF 18 DATE: 4/10/07

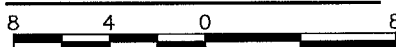


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HARBOR WALK, FLOATING DOCK
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DATUM: BOSTON CITY BASE = 0.0'

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BOX 333 MEDFIELD, MA. 02052

SECTION A-A



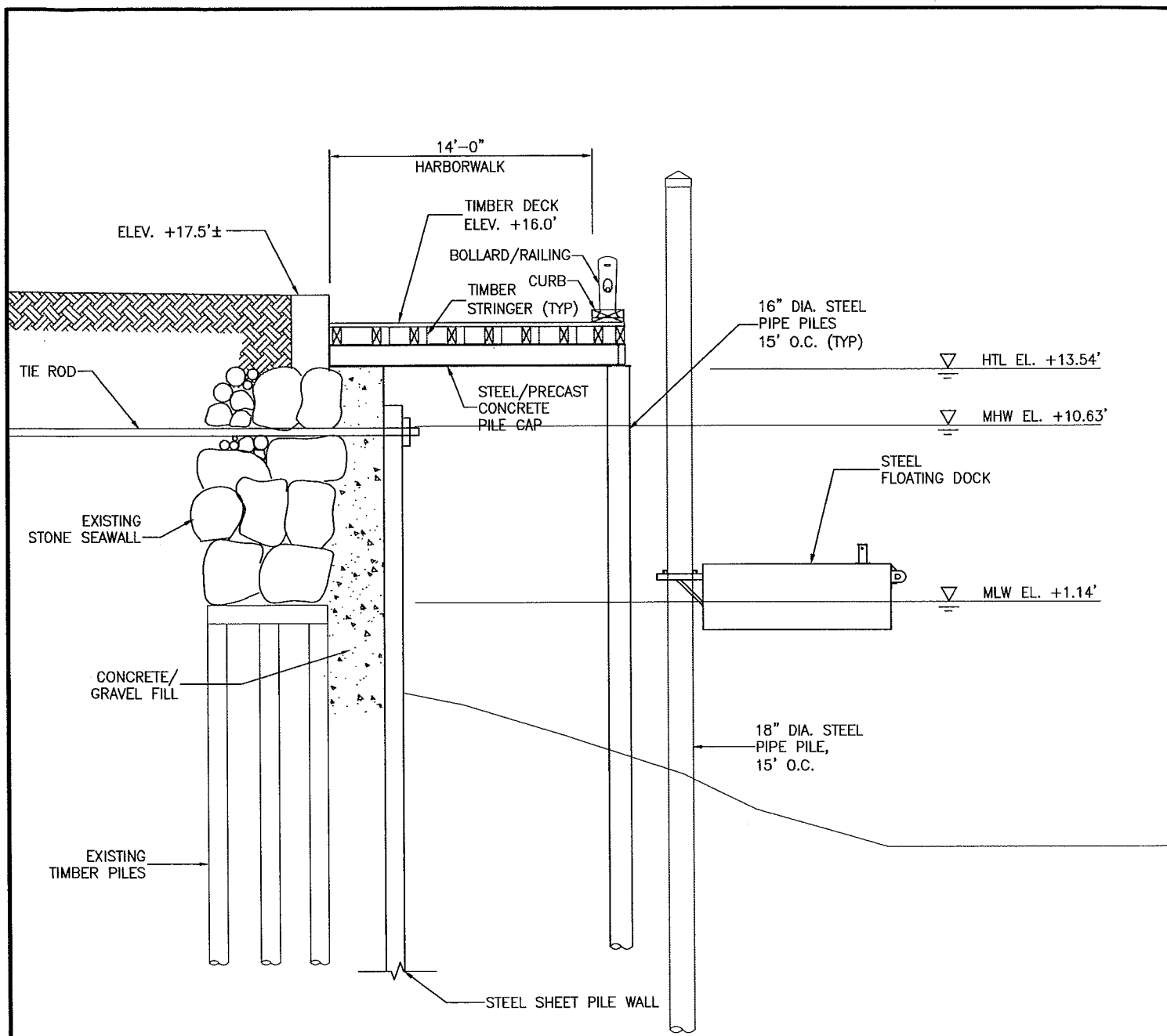
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BOSTON, MA 02210

FAN PIER DEVELOPMENT PROJECT

IN: BOSTON INNER HARBOR
AT: FAN PIER
COUNTY: SUFFOLK STATE: MA

SHEET 6 OF 18 DATE: 4/10/07



SECTION B-B

SCALE: 1/8"=1'-0"

DATUM: BCB = 0.0'

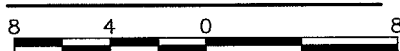
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MTL = +5.88'
MLW = +1.14'

PURPOSE: CONSTRUCT NEW
HARBOR WALK, FLOATING DOCK
SYSTEM, WAVE ATTENUATOR, TIDAL
PARK, & PIER, AND REPAIR SEAWALL

DATUM: BOSTON CITY BASE = 0.0'

CHILDS ENGINEERING CORPORATION
BOX 333 MEDFIELD, MA. 02052

SECTION B-B



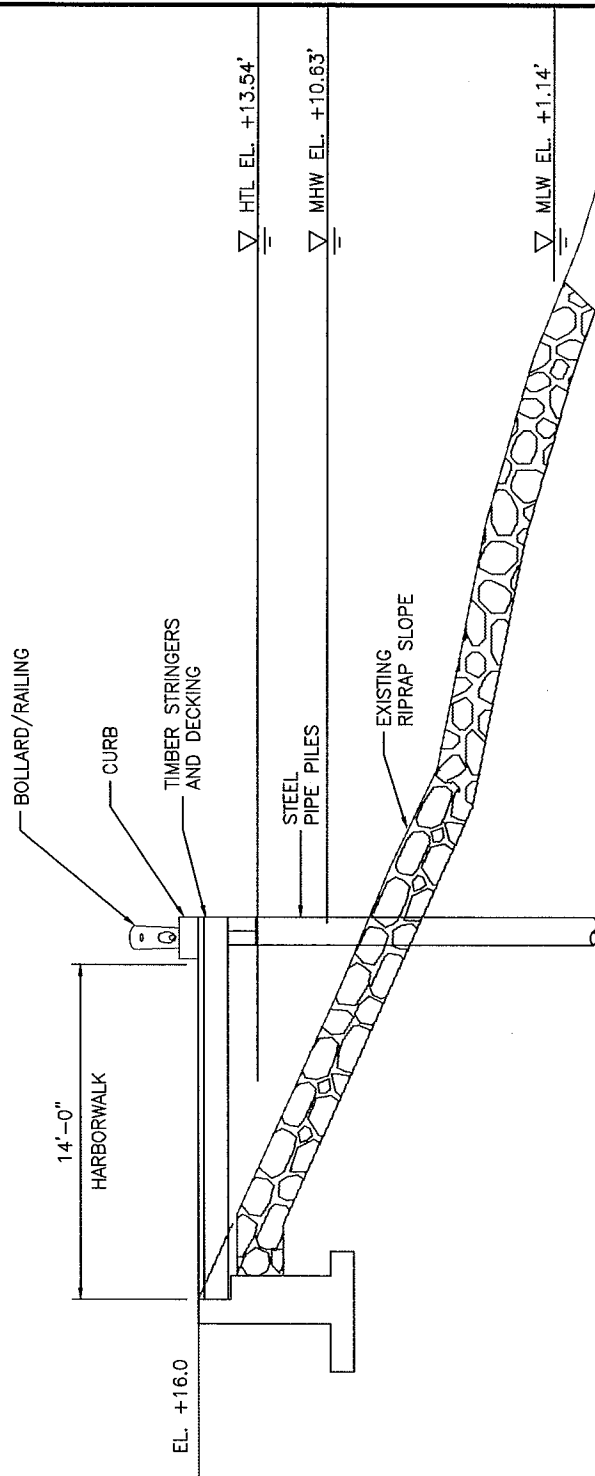
SCALE IN FEET

APPLICATION BY:
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BOSTON, MA 02210

FAN PIER DEVELOPMENT PROJECT

IN: BOSTON INNER HARBOR
AT: FAN PIER
COUNTY: SUFFOLK STATE: MA

SHEET 7 OF 18 DATE: 4/10/07



SECTION C-C

SCALE: 1/8"=1'-0"

DATUM: BCB = 0.0'

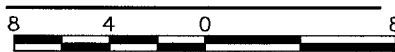
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PURPOSE: CONSTRUCT NEW
HARBOR WALK, FLOATING DOCK
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SECTION C-C



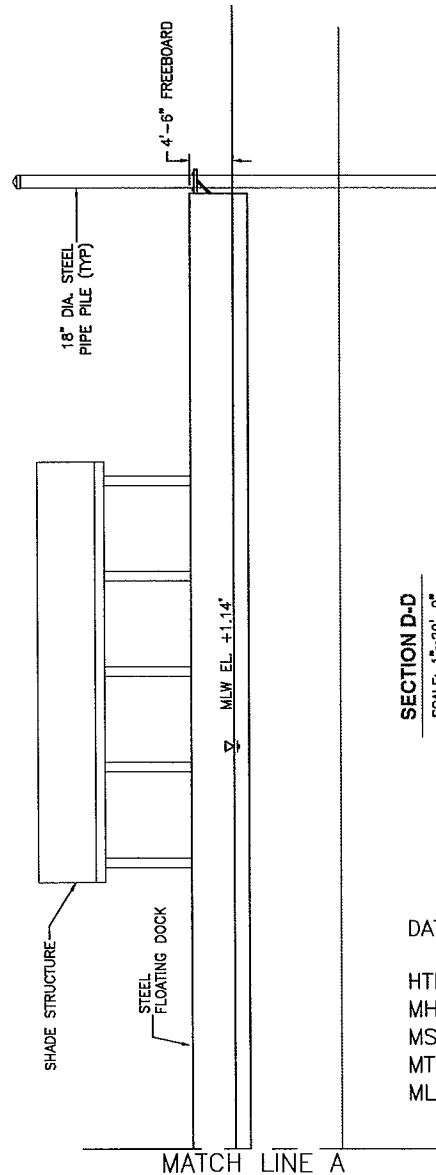
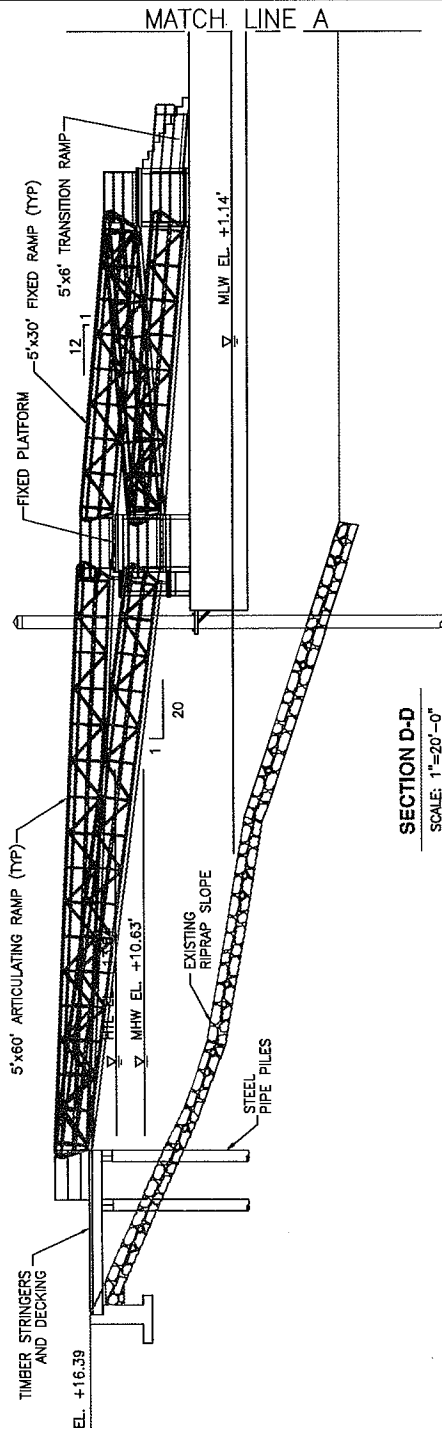
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APPLICATION BY:
FAN PIER DEVELOPMENT, LLC
C/O THE FALLON COMPANY
TWO SEAPORT LANE
BOSTON, MA 02210

FAN PIER DEVELOPMENT PROJECT

IN: BOSTON INNER HARBOR
AT: FAN PIER
COUNTY: SUFFOLK STATE: MA

SHEET 8 OF 18 DATE: 4/10/07



DATUM: BCB = 0.0'

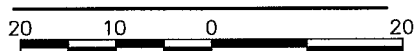
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PURPOSE: CONSTRUCT NEW
HARBOR WALK, FLOATING DOCK
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DATUM: BOSTON CITY BASE = 0.0'

CHILDS ENGINEERING CORPORATION
BOX 333 MEDFIELD, MA. 02052

SECTION D-D



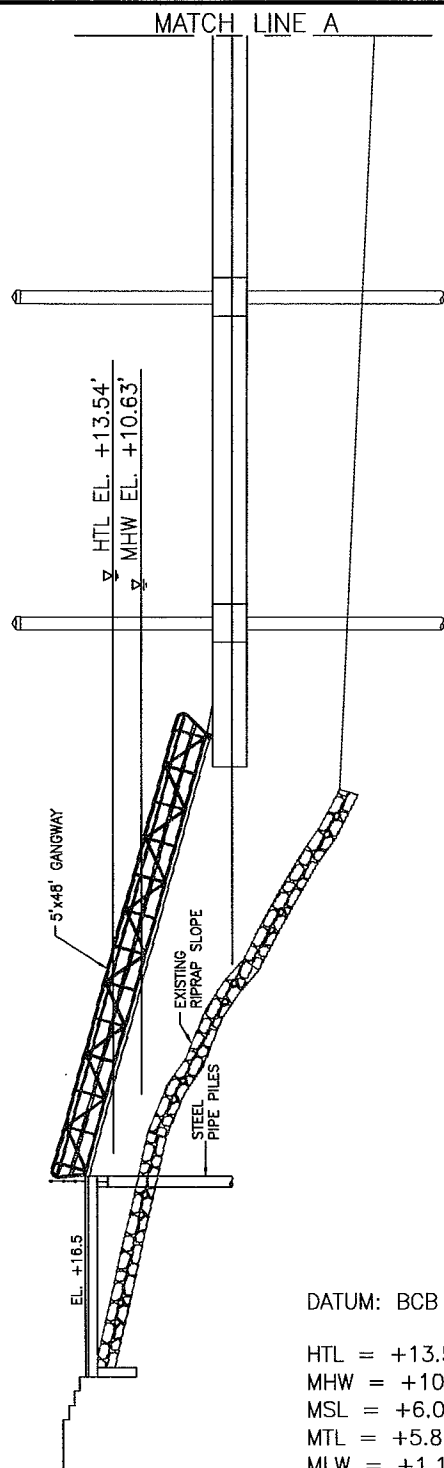
SCALE IN FEET

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FAN PIER DEVELOPMENT PROJECT

IN: BOSTON INNER HARBOR
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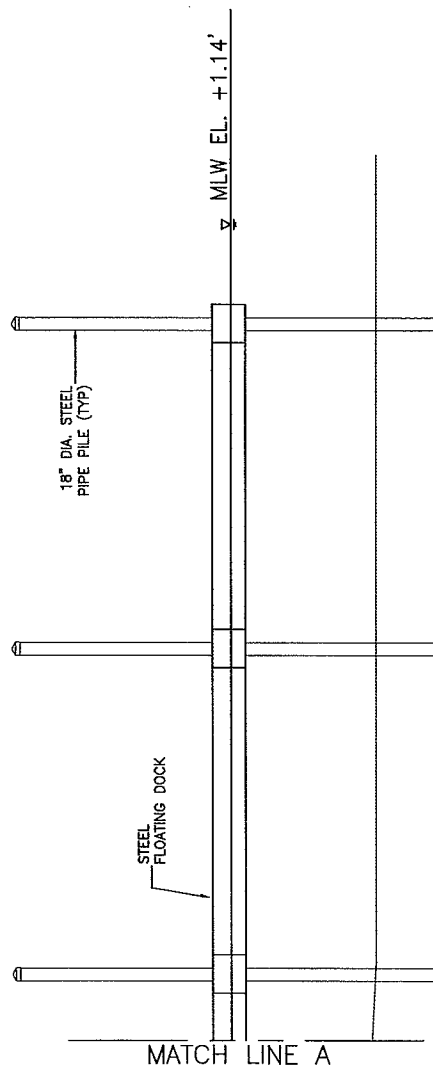
SHEET 9 OF 18 DATE: 4/10/07



SECTION E-E
SCALE: 1"=20'-0"

DATUM: BCB = 0.0'

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MTL = +5.88'
MLW = +1.14'



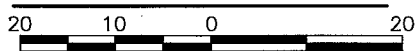
SECTION E-E
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SECTION E-E



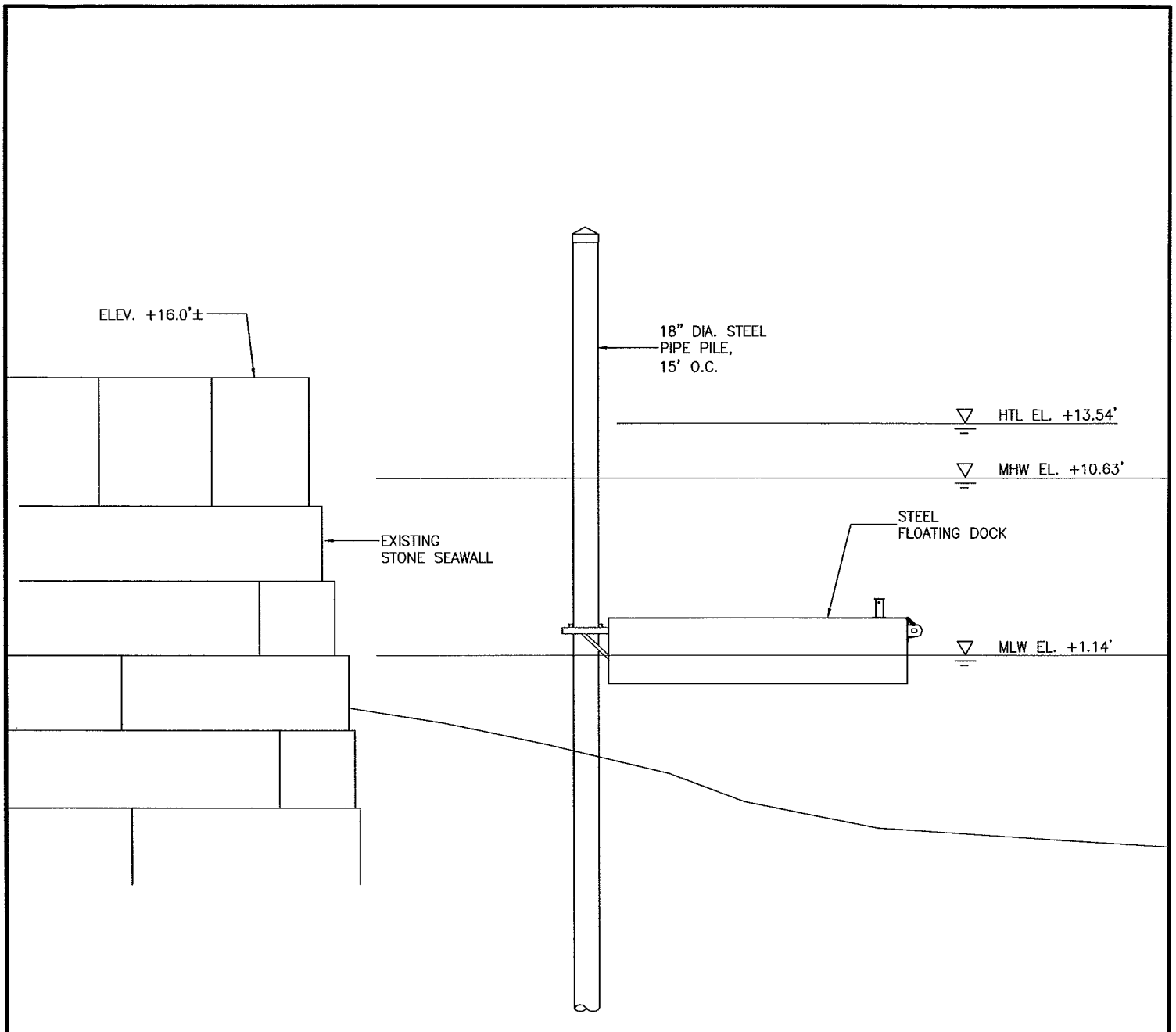
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IN: BOSTON INNER HARBOR
AT: FAN PIER
COUNTY: SUFFOLK STATE: MA

SHEET 10 OF 18 DATE: 4/10/07



SECTION F-F

SCALE: 1/8"=1'-0"

DATUM: BCB = 0.0'

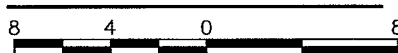
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SECTION F-F



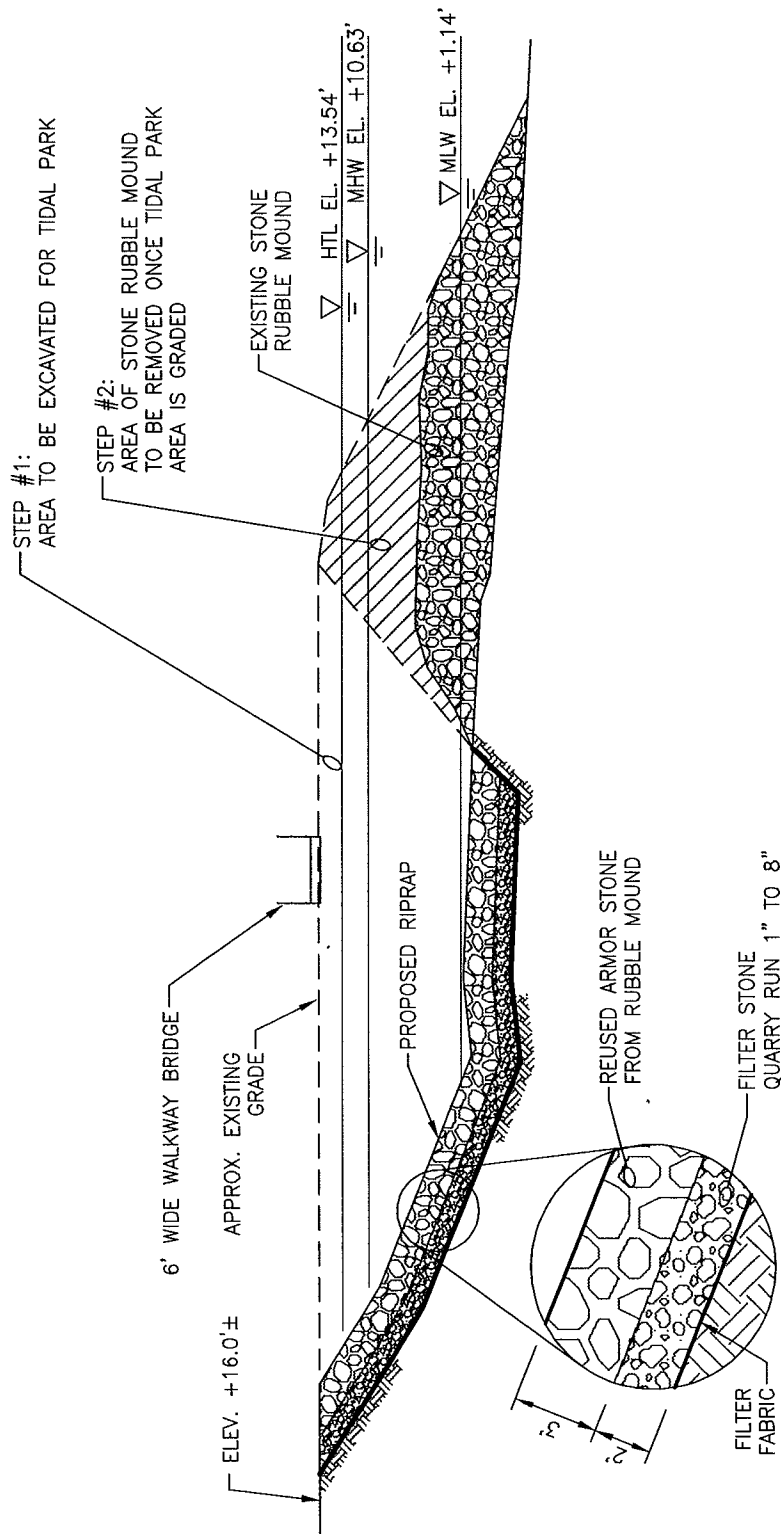
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FAN PIER DEVELOPMENT PROJECT

IN: BOSTON INNER HARBOR
 AT: FAN PIER
 COUNTY: SUFFOLK STATE: MA

SHEET 11 OF 18 DATE: 4/10/07



SECTION G-G

SCALE: 1"=20'-0"

DATUM: BCB = 0.0'

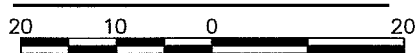
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SECTION G-G



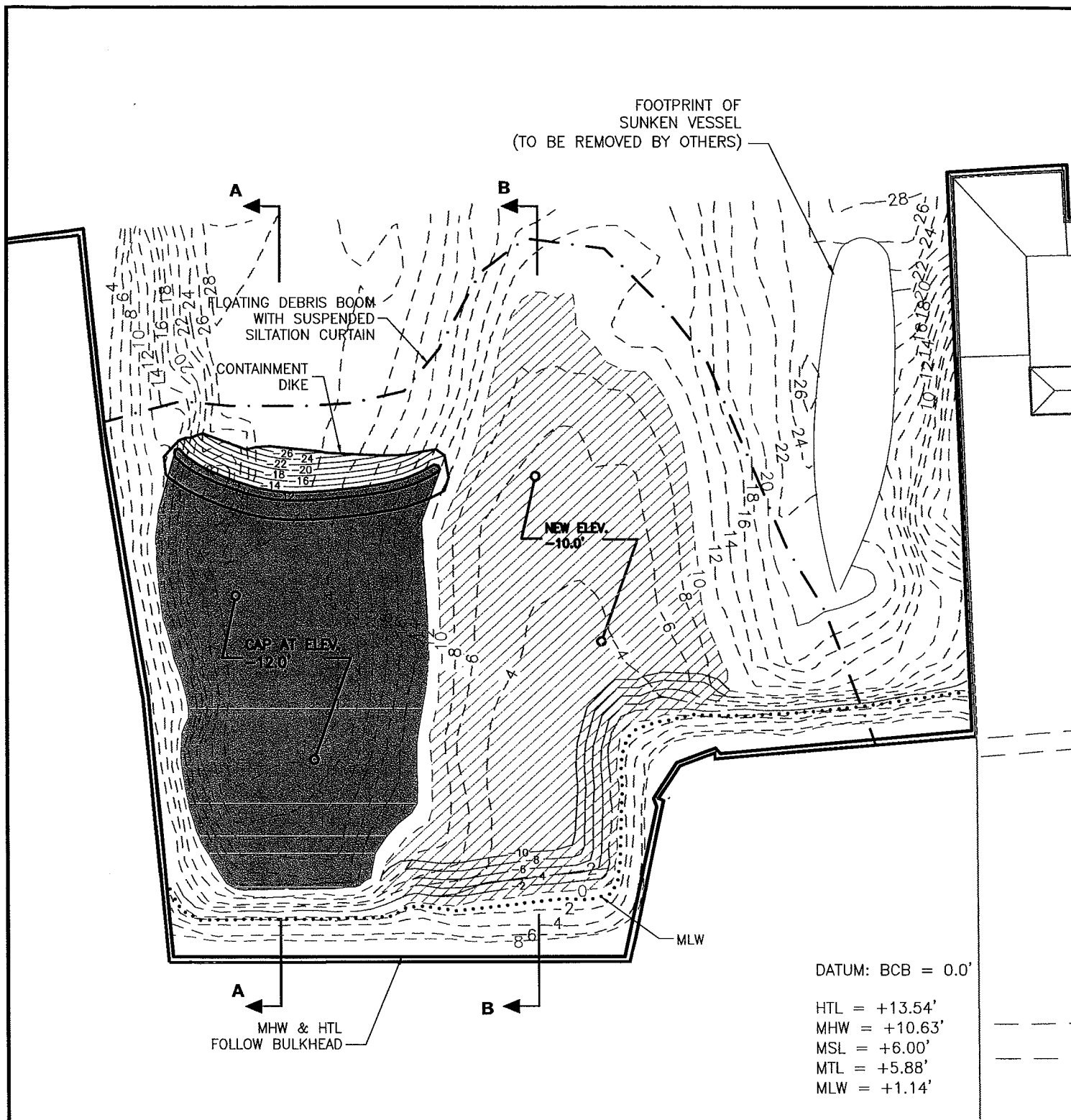
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FAN PIER DEVELOPMENT PROJECT

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SHEET 12 OF 18 DATE: 4/10/07

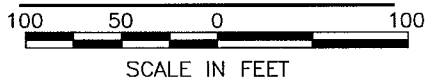


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CHILDS ENGINEERING CORPORATION
BOX 333 MEDFIELD, MA. 02052

DREDGE PLAN

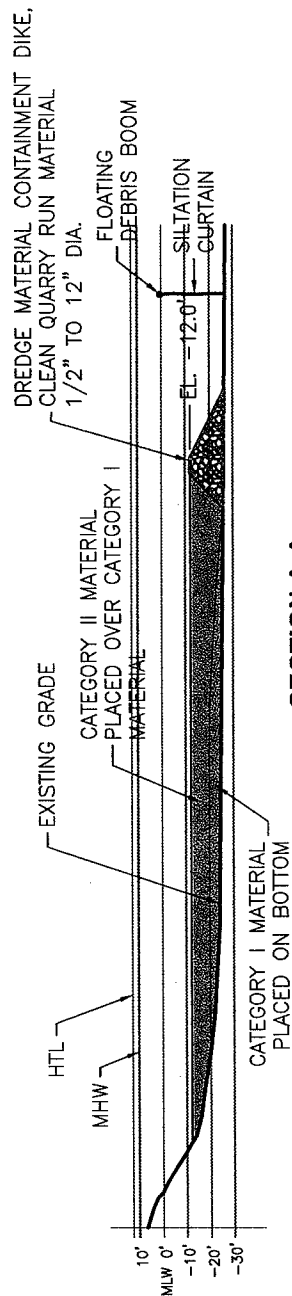


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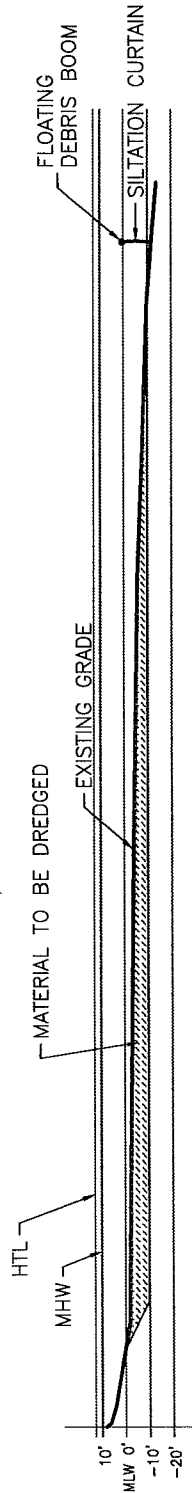
IN: BOSTON INNER HARBOR
AT: FAN PIER
COUNTY: SUFFOLK STATE: MA

SHEET 13 OF 18 DATE: 4/10/07



SECTION A-A

SCALE: 1"=80'-0"



SECTION B-B

SCALE: 1"=80'-0"

DATUM: BCB = 0.0'

HTL = +13.54'
MHW = +10.63'
MSL = +6.00'
MTL = +5.88'
MLW = +1.14'

PURPOSE: CONSTRUCT NEW
HARBOR WALK, FLOATING DOCK
SYSTEM, WAVE ATTENUATOR, TIDAL
PARK, & PIER, AND REPAIR SEAWALL

DATUM: BOSTON CITY BASE = 0.0'

CHILDS ENGINEERING CORPORATION
BOX 333 MEDFIELD, MA. 02052

DREDGE SECTIONS

80 40 0 80

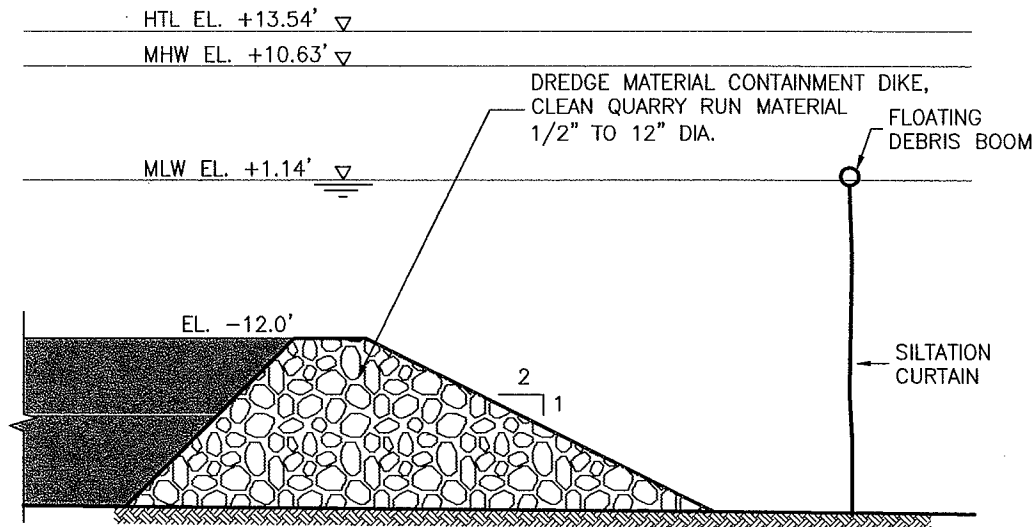
SCALE IN FEET

APPLICATION BY:
FAN PIER DEVELOPMENT, LLC
C/O THE FALLON COMPANY
TWO SEAPORT LANE
BOSTON, MA 02210

FAN PIER DEVELOPMENT PROJECT

IN: BOSTON INNER HARBOR
AT: FAN PIER
COUNTY: SUFFOLK STATE: MA

SHEET 14 OF 18 DATE: 4/10/07



DIKE / DEBRIS BOOM DETAIL

SCALE: 1/16"=1'-0"

DATUM: BCB = 0.0'

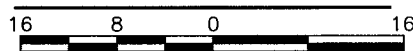
HTL = +13.54'
MHW = +10.63'
MSL = +6.00'
MTL = +5.88'
MLW = +1.14'

PURPOSE: CONSTRUCT NEW
HARBOR WALK, FLOATING DOCK
SYSTEM, WAVE ATTENUATOR, TIDAL
PARK, & PIER, AND REPAIR SEAWALL

DATUM: BOSTON CITY BASE = 0.0'

CHILDS ENGINEERING CORPORATION
BOX 333 MEDFIELD, MA, 02052

DIKE SECTION



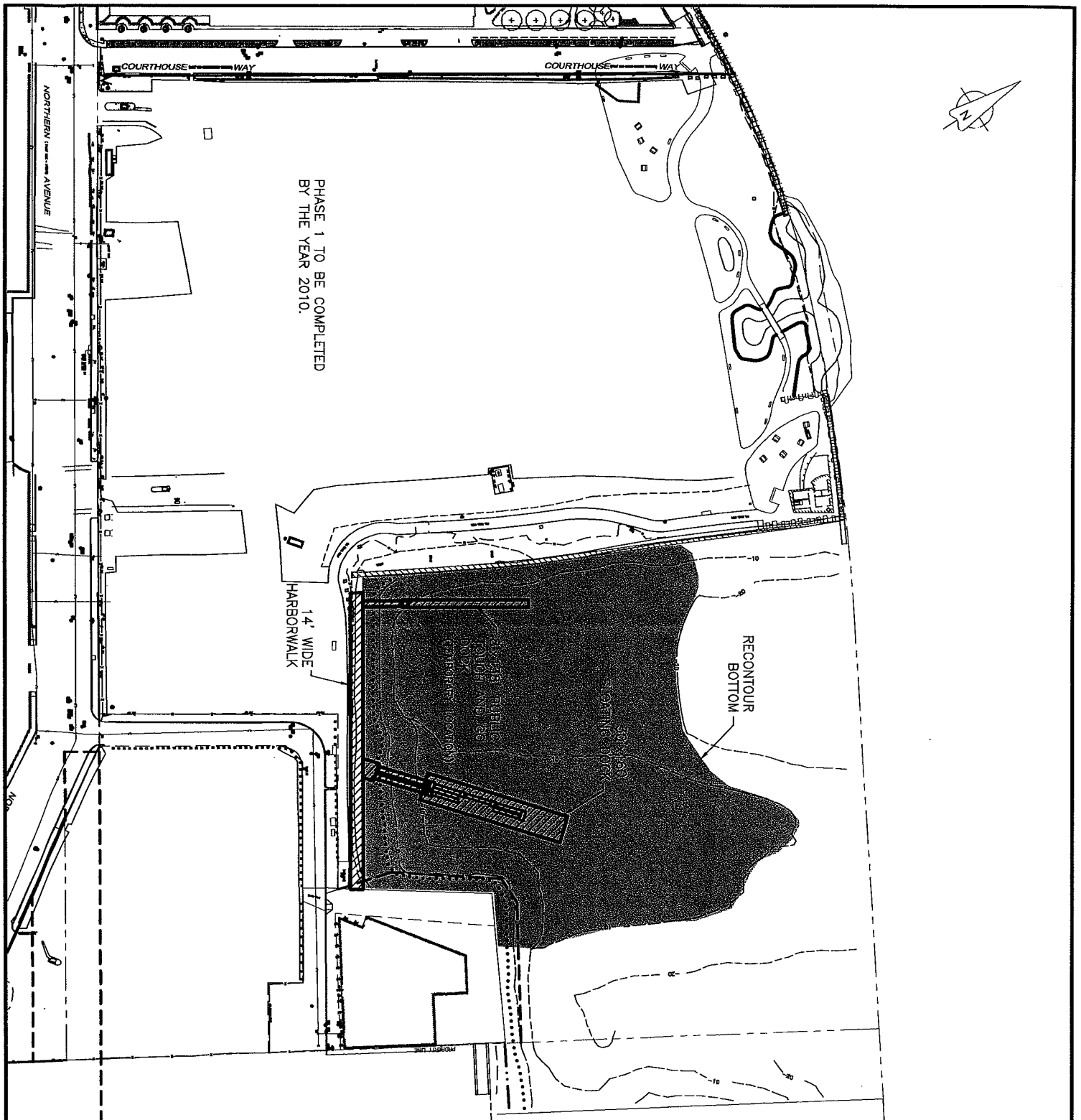
SCALE IN FEET

APPLICATION BY:
FAN PIER DEVELOPMENT, LLC
C/O THE FALLON COMPANY
TWO SEAPORT LANE
BOSTON, MA 02210

FAN PIER DEVELOPMENT PROJECT

IN: BOSTON INNER HARBOR
AT: FAN PIER
COUNTY: SUFFOLK STATE: MA

SHEET 15 OF 18 DATE: 4/10/07



PURPOSE: CONSTRUCT NEW
HARBOR WALK, FLOATING DOCK
SYSTEM, WAVE ATTENUATOR, TIDAL
PARK, & PIER, AND REPAIR SEAWALL

DATUM: BOSTON CITY BASE = 0.0'

CHILDS ENGINEERING CORPORATION
BOX 333 MEDFIELD, MA. 02052

PHASE 1 PLAN

150 75 0 150

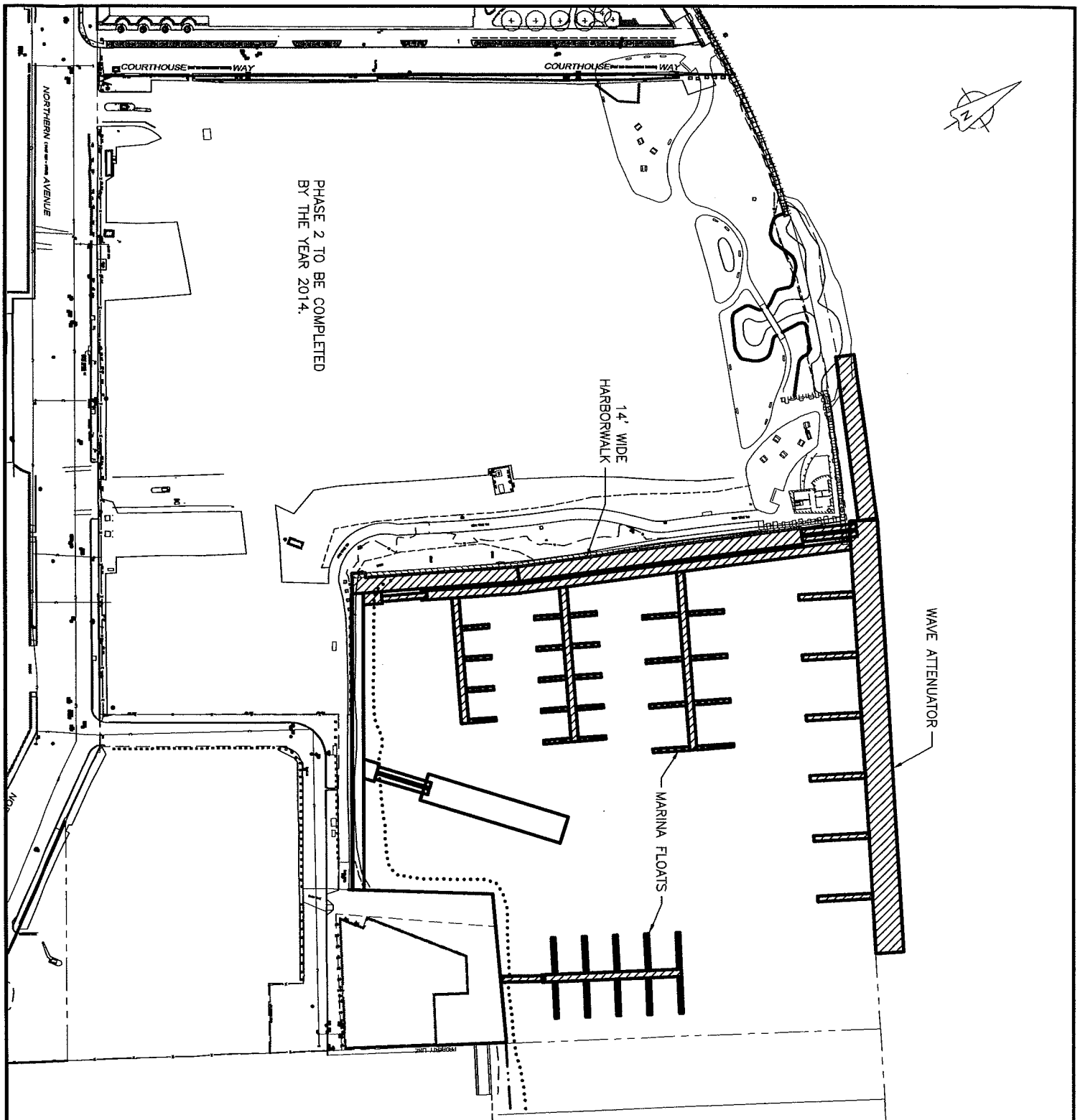
SCALE IN FEET

APPLICATION BY:
FAN PIER DEVELOPMENT, LLC
C/O THE FALLON COMPANY
TWO SEAPORT LANE
BOSTON, MA 02210

FAN PIER DEVELOPMENT PROJECT

IN: BOSTON INNER HARBOR
AT: FAN PIER
COUNTY: SUFFOLK STATE: MA

SHEET 16 OF 18 DATE: 4/10/07



PURPOSE: CONSTRUCT NEW HARBOR WALK, FLOATING DOCK SYSTEM, WAVE ATTENUATOR, TIDAL PARK, & PIER, AND REPAIR SEAWALL

DATUM: BOSTON CITY BASE = 0.0'

CHILDS ENGINEERING CORPORATION
BOX 333 MEDFIELD, MA. 02052

PHASE 2 PLAN

150 75 0 150

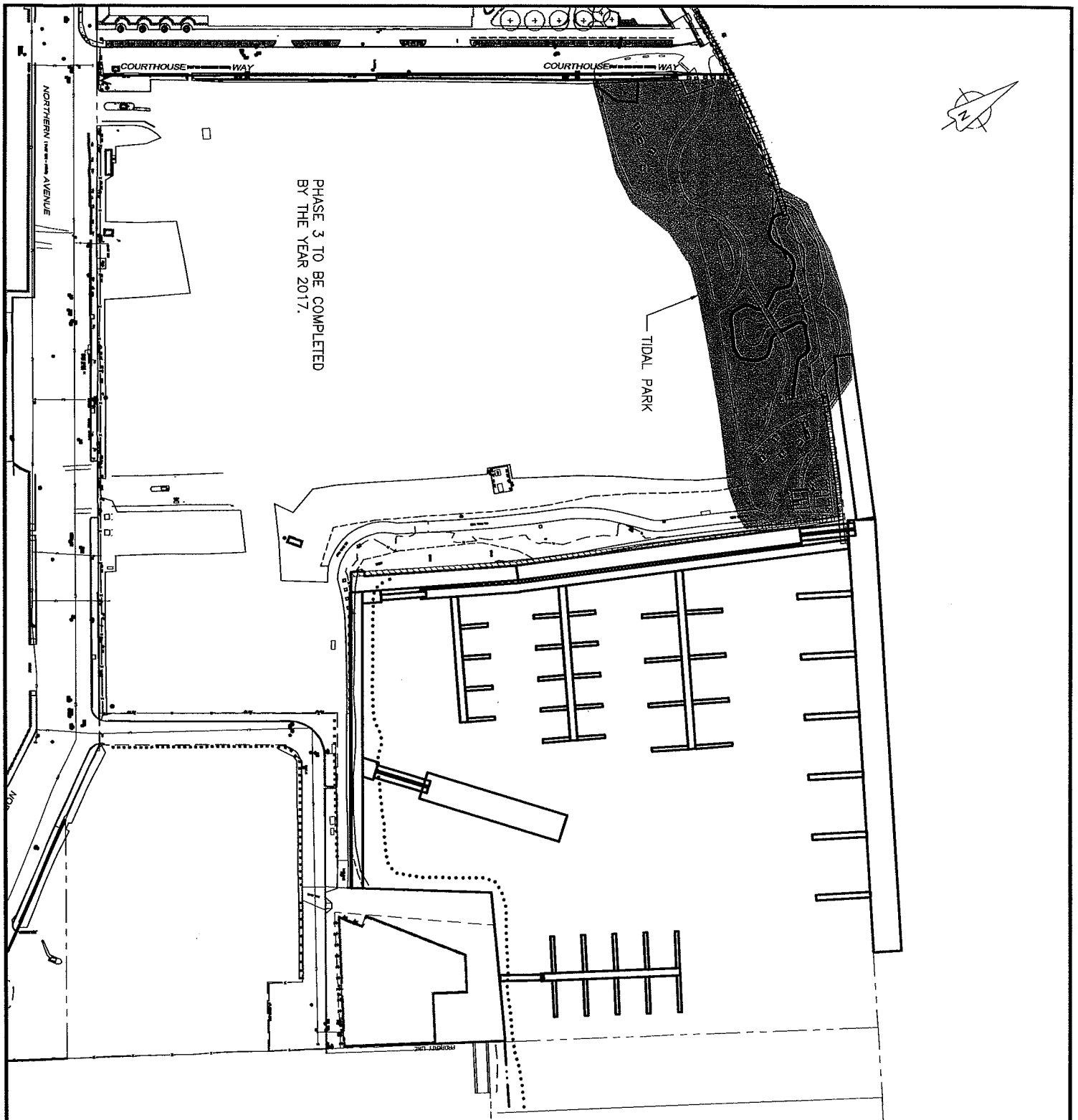
SCALE IN FEET

APPLICATION BY:
FAN PIER DEVELOPMENT, LLC
C/O THE FALLON COMPANY
TWO SEAPORT LANE
BOSTON, MA 02210

FAN PIER DEVELOPMENT PROJECT

IN: BOSTON INNER HARBOR
AT: FAN PIER
COUNTY: SUFFOLK STATE: MA

SHEET 17 OF 18 DATE: 4/10/07



PURPOSE: CONSTRUCT NEW
HARBOR WALK, FLOATING DOCK
SYSTEM, WAVE ATTENUATOR, TIDAL
PARK, & PIER, AND REPAIR SEAWALL

DATUM: BOSTON CITY BASE = 0.0'

CHILDS ENGINEERING CORPORATION
BOX 333 MEDFIELD, MA. 02052

PHASE 3 PLAN

150 75 0 150

SCALE IN FEET

APPLICATION BY:
FAN PIER DEVELOPMENT, LLC
C/O THE FALLON COMPANY
TWO SEAPORT LANE
BOSTON, MA 02210

FAN PIER DEVELOPMENT PROJECT

IN: BOSTON INNER HARBOR
AT: FAN PIER
COUNTY: SUFFOLK STATE: MA

SHEET 18 OF 18 DATE: 4/10/07